

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

May 21, 2018

Workshop/Regular Meeting – 6:30 PM/7:00 PM
CITY HALL, 200 PATRIOT COURT
HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Steve Fortenberry – Mayor Pro Tem, Ward 3

Travis Bailey – Council Member, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Kurt Krakowian – Council Member At-Large

CITY STAFF

Adam Miles, City Manager
Charlie Buenger, City Attorney
Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

Katie Allgood, Managing Director

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

Kevin Reinke, Utilities Director

HEWITT TEXAS

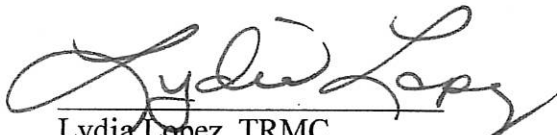
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **21st day of May, 2018, at 6:30 PM in Hewitt City Hall, Council Workshop Room, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Notice is hereby given that the City Council will convene an Executive Session pursuant to the Texas Open Meetings Act, Chapter 551, Government Code to discuss the following:
 - **§551.074 a (2) - Personnel Matters to hear a complaint against an officer or employee:**
 - a) **Confidential formal complaints against Mayor Ed Passalugo**
 - b) **Complaint of official misconduct by Mayor Ed Passalugo**
3. Close Executive Session.
4. Adjourn.

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 1:00 AM/PM on May 17, 2018.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

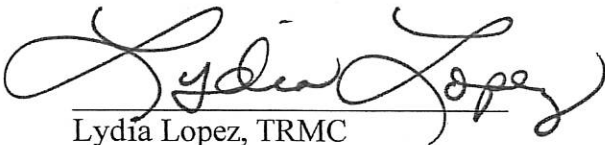
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **21st day of May, 2018, at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Special recognition for outstanding service to first responders and public safety personnel concerning a call for service on April 11, 2018.
4. Consider approval of minutes of the City Council Workshop and Regular Meeting of May 7, 2018.
5. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
6. Consider and take appropriate action to engage the law firm of Lynn, Ross, & Gannaway, LLP to conduct a third party impartial investigation concerning complaints against Mayor Ed Passalugo.
7. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 1:00 AM/PM on May 17, 2018.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: May 21, 2018

AGENDA ITEM #: 3

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Special recognition for outstanding service to first responders and public safety personnel concerning a call for service on April 11, 2018.

STAFF RECOMMENDATION/ITEM SUMMARY:

Police Chief Jim Devlin will recognize Dispatcher Lauren Alumbaugh, Police Officer Martina Sims and Firefighters Trent Barker and Justin Parker for their actions in response to a call for service on April 11, 2018.

ATTACHMENTS:

None

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COUNCIL AGENDA ITEM FORM

MEETING DATE: May 21, 2018

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop and Regular Meeting of May 7, 2018.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT May 7, 2018 – 5:30 PM/7:00 PM

Members present: Mayor Travis Bailey, Mayor Pro Tem Ed Passalugo (presiding), Council Members Wilbert “Walky” Wachtendorf, Bill Fuller, James Vidrine, Kurt Krakowian, and Steve Fortenberry

Staff present: Assistant City Attorney Kathleen Dow, City Engineer Miles Whitney, City Manager Adam Miles, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders; Fire Chief Lance Bracco, Community Development Director Tracy Lankford, Managing Director Katie Allgood, Finance Director Lee Garcia, Library Director Waynette Ditto, Utilities Director Kevin Reinke, Community Development Coordinator Jared DeVries, Parks & Media Coordinator Caz Muske, and City Secretary Lydia Lopez

Staff absent: City Attorney Charlie Buenger

WORKSHOP – 5:30 PM

1. Mayor Travis Bailey called the meeting to order at 5:30 PM.
2. City Manager presented an update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning upcoming events:
 - o Nacho Daddy (Greater Hewitt Chamber Event) Warren Park – May 12, 2018, 5:30 to 9:00 PM
 - o Waste Diversion Day – May 19, 2018
 - c. Briefing and discussion concerning Preliminary Tax Roll.
 - d. Briefing and discussion concerning financial reports.
 - e. Briefing and discussion concerning post-election procedures.
 - f. Briefing and discussion concerning Brush and Bulk Collection Site.
 - g. Briefing and discussion concerning vacancies and appointments.
 - h. Briefing and discussion concerning Public Safety operations – Police & Fire.
 - o Midway ISD – School Resource Officer (SRO)
3. Review of the regular meeting agenda. (Not Held)
4. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Bill Fuller to convene Executive Session at 6:33 PM pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:*
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**

5. Close Executive Session/Adjourn. *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Steve Fortenberry to close the Executive Session and adjourn the Workshop at 6:55 PM; all seven in favor, motion passed.*

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Travis Bailey called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Travis Bailey asked Police Chief Jim Devlin to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION OF HEWITT POLICE HERO AWARD.** Police Chief Jim Devlin presented six-year old Boston Rosas with the “Hero Award” for his heroic actions on Wednesday, April 11, 2018. Boston called Hewitt 911 to report his stepmother was having difficulty breathing. His action saved her life.
4. **SPECIAL PRESENTATION OF PROCLAMATION IN RECOGNITION OF “MUNICIPAL CLERKS WEEK”.** Mayor Travis Bailey presented proclamation to City Secretary Lydia Lopez.
5. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP AND REGULAR MEETING OF April 16, 2018.** *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Bill Fuller to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.* Mayor Pro Tem noted a correction.
6. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. NONE*

Note: Mayor Travis Bailey relinquished the Chair to Assistant City Attorney Kathleen Dow to preside over the following item:

7. **CONSIDER AND ACT ON DESIGNATION OF MAYOR.** Assistant City Attorney Kathleen Dow opened the floor for nominations. . *A motion was made by Council Member James Vidrine and second by Council Member Kurt Krakowian to nominate Ed Passalugo as Mayor; all seven in favor, motion passed.* Ed Passalugo was officially elected to the post of Mayor.

Note: Assistant City Attorney Kathleen Dow relinquished the chair to Mayor Ed Passalugo to preside for the remainder of the meeting.

8. **CONSIDER AND ACT ON DESIGNATION OF MAYOR PRO TEM.** Mayor Ed Passalugo called for nominations. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to nominate Steve Fortenberry as Mayor Pro Tem; all seven in favor, motion passed.* Steve Fortenberry was officially elected to the post of Mayor Pro Tem.
9. **PUBLIC HEARING AND ACTION ON A REQUEST FOR A SPECIAL USE PERMIT FOR A SPECIAL AND OTHER PRIVATE SCHOOL AT 1731 SPRING VALLEY BLVD. AS PRESCRIBED IN PART 4 OF APPENDIX-A ZONING OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT.** Mayor Ed Passalugo asked for those to who wished to speak in favor. Marie Billings, 601 Crestwood, applicant, appeared in favor and responded to Council inquiry regarding location of school and the number of students. Mayor Pro Tem Ed Passalugo asked for those who wish to appear in opposition. No one appeared. Public hearing was closed. *A motion was made by Council Member James Vidrine and second by Council Member Travis Bailey to approve the special use permit; all seven in favor, motion passed.*
10. **CONSIDER APPOINTMENT TO THE PLANNING & ZONING COMMISSION.** City Manager Adam Miles stated that Mr. Jim Pless was not able to serve on the Board of Adjustment due to a conflict with the meeting times; however, expressed a desire to serve on the Planning and Zoning Commission. Council Member Wilbert “Walky” Wachtendorf confirm that Mr. Pless would be able to serve and had no conflict with meeting times. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Kurt Krakowian to appoint Jim Pless; all seven in favor, motion passed.*
11. **CONSIDER AWARD OF BID FOR 2018 - SIERRA SLOPE/ANGEL FIRE STREET; STREET IMPROVEMENTS TO WACO PAVING IN THE AMOUNT OF \$30,861.12.** City Engineer Miles Whitney presented. *A motion was made by Council Member Travis Bailey and second by Council Member Bill Fuller to approve bid; all seven in favor, motion passed*
12. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL COOPERATION ACT AGREEMENT WITH MCLENNAN COUNTY FOR SLURRY SEAL OF SELECTED PUBLIC ROADS IN MCLENNAN COUNTY ROAD SYSTEM, PRECINCT 4.** City Manager Adam Miles presented. *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to approve; all seven in favor, motion passed.*
13. **CONSIDER AND TAKE APPROPRIATE ACTION TO JOIN AS PLAINTIFF IN THE LAWSUIT BETWEEN THE CITY OF MCALLEN, ET AL, VS STATE OF TEXAS IN A CHALLENGE TO THE CONSTITUTIONALITY OF SB 1004, WHICH RELATES TO THE DEPLOYMENT OF NETWORK NODES IN MUNICIPAL RIGHTS-OF-WAY AND THE FEES CITIES MAY CHARGE FOR USE OF THEIR RIGHTS-OF-WAY.** City Manager Adam Miles presented. *A motion was made by Council Member Steve Fortenberry and second by Council Member Kurt Krakowian to approve; all seven in favor, motion passed.*

14. **CONSIDER AN ORDINANCE AMENDING CHAPTER 78 - UTILITIES, ARTICLE VII. - USE AND OCCUPANCY OF CITY'S RIGHTS-OF-WAY FOR PROVISION OF UTILITY, TELECOMMUNICATIONS AND CABLE SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT, PROVIDING RULES AND REGULATIONS RELATED TO NETWORK NODES, TRANSPORT FACILITIES AND NODE SUPPORT POLES, ADOPTING A DESIGN MANUAL, AND PROVIDING AN EFFECTIVE DATE.** City Manager Adam Miles presented. *A motion was made by Council Member Wilbert "Walky" Wachtendorf and second by Council Member Bill Fuller to approve ordinance; all seven in favor, motion passed.*
15. **CONSIDER AMENDING THE MASTER FEE SCHEDULE CONCERNING FRANCHISE FEES AND SMALL CELL NODES.** City Manager Adam Miles presented options. *A motion was made by Council Member Steve Fortenberry and second by Council Member Bill Fuller to approve Option B (City "Market-Based" Fees); all seven in favor, motion passed.*
16. **AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF AGREEMENT CONCERNING ACQUISITION OF LAND RELATED TO THE RITCHIE ROAD WIDENING PROJECT.** City Manager Adam Miles presented. *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to approve; six in favor and one opposition (Kurt Krakowian), motion passed.*
17. **CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS APPROVING AND DIRECTING INITIATION AND PROSECUTION OF EMINENT DOMAIN PROCEEDINGS FOR LAND NEEDED FOR THE RITCHIE ROAD PROJECT, AND ADDITIONAL AUTHORIZATIONS AND FINDINGS.** City Manager Adam Miles presented. *A motion was made by Wilbert "Walky" Wachtendorf and second by Council Member Travis Bailey to approve ordinance; all seven in favor, motion passed.*
18. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the regular meeting at 7:30 PM; all seven in favor, motion passed.*

Approved: May 21, 2018

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

1. Citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. This will allow the matter to be properly investigated before it is presented to the entire council and will often expedite a resolution.

NO CITIZEN OR STAFF MEMBER MAY SPEAK OR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select a spokesperson to present their case.

Only under the agenda item “Hear Visitors” are citizens permitted to speak regarding matters that pertain to city business or address an item on the agenda. **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**

3. Individual citizens that discuss items not listed on the agenda shall be limited to **five minutes**. If five or more citizens wish to discuss a single item or topic that is not listed on the agenda, then the total presentation will be limited to a maximum of twenty-five minutes. City council members shall **not** enter into discussion on any subject that has not been properly placed on the agenda; however, council members may ask questions for clarification purposes.
4. As a general rule, citizens may not participate or address the council or staff during the workshop session.



COUNCIL AGENDA ITEM FORM

MEETING DATE: May 21, 2018

AGENDA ITEM #: 6

SUBMITTED BY: Charlie Buenger, City Attorney

ITEM DESCRIPTION:

Consider and take appropriate action to engage the law firm of Lynn, Ross, & Gannaway, LLP to conduct a third party impartial investigation concerning complaints against Mayor Ed Passalugo.

STAFF RECOMMENDATION/ITEM SUMMARY:

It is the recommendation of the City Attorney that the law firm of Lynn, Ross, & Gannaway, LLP be engaged to conduct an investigation into complaints against Mayor Passalugo.

ATTACHMENTS:

None